

**REMARKS**

Applicants respectfully acknowledge receipt of the Office Action mailed December 9, 2004, the period for response having been extended to June 9, 2005.

In the Office Action, the Examiner: (1) objected to claims 1 and 9 because of a few informalities; (2) rejected claims 1-8 and 10 under 35 U.S.C. §102(b) as being anticipated by *Ku* (U.S. Patent No. 6,334,707); (3) rejected claim 9 under 35 U.S.C. §103(a) as being unpatentable over *Ku*; and (4) objected to claims 11 and 12 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

By this Amendment, Applicants propose to amend claims 1, 2, and 9. Claims 1-12 remain pending. Of these claims, claim 1 is independent.

The originally-filed specification, claims, abstract, and drawings fully support the amendments to claims 1, 2, and 9. No new matter has been introduced.

Applicants gratefully acknowledge the Examiner's indication of allowable subject matter in claims 11 and 12. However, for at least the reasons set forth in the following arguments, Applicants believe that base claim 1 is allowable as currently amended. Accordingly, Applicants have not rewritten claims 11 and 12 in independent form at this time.

Based on the foregoing amendments, Applicants traverse each of the above objections and rejections and respectfully request reconsideration for at least the reasons that follow.

## I. OBJECTION TO CLAIMS 1 AND 9

Claims 1 and 9 stand objected to because of a few informalities. Specifically, the Examiner asserts “[C]laim 1...recites the limitation ‘the temperature sensor’...there is insufficient antecedent basis for this limitation, [and] [C]laim 9: ‘one sides’...should be replaced with -- the sides --.” (*Office Action*, p. 2, ll. 1-4).

Accordingly, Applicants have amended claims 1 and 9. Specifically, amended claim 1 now recites “a temperature sensor” and amended claim 9 recites “the sides.”

Consequently, Applicants respectfully request the objection of claims 1 and 9 be withdrawn.

## II. 35 U.S.C. §102(b) REJECTION

Applicants submit that currently amended independent claim 1 is patentably distinguishable over the cited references, including *Ku*, and the other art of record. The cited prior art fails to disclose or suggest each element of the invention recited in independent claim 1. In particular, the applied references, taken alone or in combination, at least fail to teach or suggest a temperature-sensor fixing holder for detachably fixing a temperature sensor to a fixed body comprising: a resilient holder body; a first link portion formed into the holder body to be engaged with an engagement portion of the temperature sensor; and a second link portion formed into the holder body to be engaged with an engagement portion of the fixed body, wherein the holder body resiliently deforms about a first axis when the first link portion is engaged with the engagement portion of the temperature sensor and about a second axis substantially orthogonal to the first axis when the second link portion is also engaged with the engagement portion of the fixed body.

Applicants note that in order to properly anticipate Applicants' claimed invention under 35 U.S.C. §102, each and every element of the claim in issue must be found, "either expressly or inherently described, in a single prior art reference." "The identical invention must be shown in as complete detail as is contained in the . . . claim.

*Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)." See M.P.E.P. § 2131, 8th ed., 2001.

*Ku* teaches a holder body (5) that deforms about axes that are substantially parallel when the elements allegedly corresponding to the first link portion (51, 53) and the second link portion (52) engage the engagement portions of the fixed body (6) and the temperature sensor (2), respectively. (*Ku*, Fig. 8). Accordingly, *Ku* necessarily fails to teach the claimed combination including at least wherein "the holder body resiliently deforms about a first axis when the first link portion engaged with the engagement portion of the temperature sensor, and about a second axis substantially orthogonal to the first axis when the second link portion is also engaged with the engagement portion of the fixed body," as recited in proposed amended claim 1 (emphases added). This limitation is depicted in Fig. 4, as connecting body 11 of holder body 10 is shown as deformed about the z-axis, substantially parallel to temperature sensor 20. Further, link bodies 12 are shown as deformed about the y-axis. For at least these reasons, Applicants request that the rejection of claim 1 under 35 U.S.C. §102(b) be withdrawn and claim 1 be allowed.

Moreover, claims 2-8 and 10 are allowable at least due to their dependence from claim 1. In addition, at least some of the dependent claims recite unique combinations

that are neither disclosed nor suggested by the cited art, and therefore some also are separately patentable.

## II. 35 U.S.C. §103(a) REJECTION

Applicants respectfully submit that claim 9 is patentably distinguishable over the cited references, including *Ku*, and the other art of record, at least for the reasons discussed above.

Applicants note that *Ku* does not teach or suggest, among other things wherein, "the holder body resiliently deforms about a first axis when the first link portion engaged with the engagement portion of the temperature sensor, and about a second axis substantially orthogonal to the first axis when the second link portion is also engaged with the engagement portion of the fixed body," as recited in proposed amended claim

1. Accordingly, claim 9 is allowable at least due to its dependence from claim 1.

Consequently, Applicants request the rejection of claim 9 under 35 U.S.C. §103(a) be withdrawn.

## III. CONCLUSION

Applicants respectfully submit that independent claim 1 is in condition for allowance. In addition, claims 2-12 are in condition for allowance at least due to their dependence from claim 1.

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: June 8, 2005

By: /David W. Hill/  
David W. Hill  
Reg. No. 28,220